

Report Date: November 13, 2017

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 13 2017

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

Name of Offender: Minh Quang Do

Case Number: 0980 2:13CR00066-LRS-2

Address of Offender: Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: February 25, 2014

Original Offense: Conspiracy to Commit Wire Fraud, 18 U.S.C. § 1349; Wire Fraud, 18 U.S.C. § 1343;
Aggravated Identity Theft, 18 U.S.C. § 1028A(a)(1);

Original Sentence: Prison - 42 months Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: James A. Goeke Date Supervision Commenced: July 8, 2016

Defense Attorney: Federal Defenders Office Date Supervision Expires: July 7, 2019

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/03/2017 and to ISSUE A WARRANT.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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6	<u>Special Condition # 20:</u> You must abstain from the use of illegal controlled substances, and must submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: On July 8, 2016, supervision commenced in this matter. On August 8, 2016, Minh Do reported to the U.S. Probation Office for the purpose of completing a supervision intake. At that time, his conditions of supervision were read to him, which included the above-noted special condition number 20.

Mr. Do violated the terms of his supervised release by failing to submit to urinalysis testing, on or about October 25, 2017.

On October 19, 2017, Mr. Do reported to the U.S. Probation Office. At that time, he was directed to return to phase drug testing through Pioneer Human Services, which would require him to call the testing line daily and report for testing on days his color is called.

On October 25, 2017, Mr. Do failed to appear for a random urinalysis test at Pioneer Human Services.

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Mandatory Condition # 3: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: On July 8, 2016, supervision commenced in this matter. On August 8, 2016, Minh Do reported to the U.S. Probation Office for the purpose of completing a supervision intake. At that time, his conditions of supervision were read to him, which included the above-noted mandatory condition number 3.

Mr. Do violated the terms of his supervised release by being in possession and consuming a medication prescribed for another individual on or about October 26, 2017.

On October 26, 2017, a home contact was conducted at Mr. Do's residence. In Mr. Do's bedroom, located on a table, were three prescription medications not prescribed to Mr. Do. Mr. Do indicated the prescription belonged to his mother, who gave them to him to use. Mr. Do acknowledged using the medication.

The medications included: Lidocaine Viscous, which had a prescription label on it and was prescribed to Phong Do, Mr. Do's mother. Mr. Do advised he had a cold sore when he released from jail that week and used the medication to treat it. The second medication was located in a prescription bottle with no label. A Google search of this medication indicated it is Ibuprofen 600. The third medication was located in a prescription bottle with no label. A Google search of this medication indicated it is an antibiotic. Mr. Do stated he took two of the second medication to alleviate headaches.

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Standard Condition #2: The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

Supporting Evidence: On July 8, 2016, supervision commenced in this matter. On August 8, 2016, Minh Do reported to the U.S. Probation Office for the purpose of completing a supervision intake. At that time, his conditions of supervision were read to him, which included the above-noted standard condition number 2.

Mr. Do violated the terms of his supervised release by failing to report as directed on or about October 27, 2017, or since that date.

On October 26, 2017, Mr. Do was directed to report to the U.S. Probation Office the following day by 9 a.m.

Mr. Do failed to report on October 27, 2017, or since that date. Multiple attempts have been made to reach Mr. Do by phone and text messaging.

On November 7, 2017, the undersigned officer again attempted to contact Mr. Do via phone call and text messaging, but has received no response.

On November 9, 2017, a home visit was conducted in another effort to make contact with Mr. Do. Mr. Do's parents indicated he was home and allowed access into the home. Mr. Do's bedroom door was shut. He did not respond when his mother called out to him. His mother then knocked on his bedroom door and attempted to gain entry, but the door was

locked. A business card was left in his door directing him to report to the probation office the following day by 11:00 a.m.

Mr. Do has continued to fail to report. It appears he has absconded from supervision.

- 10 **Special Condition #20:** You must abstain from the use of illegal controlled substances, and must submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On July 8, 2016, supervision commenced in this matter. On August 8, 2016, Minh Do reported to the U.S. Probation Office for the purpose of completing a supervision intake. At that time, his conditions of supervision were read to him, which included the above-noted special condition number 20.

Mr. Do violated the terms of his supervised release, by failing to report for urinalysis testing on or about October 27, 2017.

On October 26, 2017, during a home visit, Mr. Do reported having headaches that were preventing him from complying with his supervision requirements. He later indicated that he went to the hospital to seek medical attention at the advice of the undersigned. At that time, he was directed to report to the U.S. Probation Office the following day with medical documentation.

On October 27, 2017, Mr. Do failed to report and therefore subsequently failed to submit to urinalysis testing.

- 11 **Special Condition #19:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On July 8, 2016, supervision commenced in this matter. On August 8, 2016, Minh Do reported to the U.S. Probation Office for the purpose of completing a supervision intake. At that time, his conditions of supervision were read to him, which included the above-noted special condition number 19.

Mr. Do violated the terms of his supervised release by failing to attend a scheduled assessment with Alcohol, Drug Education Prevention and Treatment (ADEPT) on or about October 31, 2017.

On October 31, 2017, Mr. Do was scheduled to meet with treatment providers at ADEPT. ADEPT contacted the undersigned officer and reported that Mr. Do was a no show for his appointment.

- 12 **Special Condition # 17:** You shall complete a mental health evaluation and follow any treatment recommendation of the evaluation professional which do not require forced or psychotropic medication and/or inpatient confinement absent further order of the Court. You shall allow reciprocal release of information between the supervising officer and treatment provider. You shall contribute to the cost of treatment according to your ability to pay.

Re: Do, Minh Quang

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Supporting Evidence: On July 8, 2016, supervision commenced in this matter. On August 8, 2016, Minh Do reported to the U.S. Probation Office for the purpose of completing a supervision intake. At that time, his conditions of supervision were read to him, which included the above-noted special condition number 17.

Mr. Do violated the terms of his supervised release by failing to attend mental health sessions as directed on or about October 19, 2017, or since.

On October 19, 2017, Mr. Do was directed to contact the mental health provider, Robert Shepard, in order to resume services.

On October 23, 2017, Mr. Do reported to the probation office. He was reminded of his mental health requirement. Mr. Do stated he had left Mr. Shepard a message, but would report to Robert Shepard's office that day, in order to scheduled an appointment.

On November 1, 2017, the undersigned officer was contacted by Robert Shepard who reported he had not heard from Mr. Do.

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/03/2017 and to ISSUE A WARRANT.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: November 13, 2017

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other


Signature of Judicial Officer

11/13/17
Date